

REMARKS

Claims 1-16 and 18-29 are pending in the application. Claim 17 was canceled without prejudice to the subject matter therein. Claims 20-24 and 29 have been withdrawn from consideration without prejudice to the subject matter therein. The applicants have petitioned the Commissioner to reinstate claim 29 into the case.

35 U.S.C. §103(a) Rejections

Claims 1-16, 18-19, and 25-28 stand rejected under 35 USC §103(a) as being allegedly unpatentable over U.S. Pat. No. 6,607,598 to Schwarz et al. (“Schwarz ‘598”) in view of U.S. Pat. No. 4,581,242 by Forster (“Forster”) and further in view of U.S. Pat. No. 6,627,246 to Mehta and U.S. Pat. No. 6,555,157 to Hossainy.

The undersigned submits that there is no need to address the impropriety of combining these references as each of the pending claim are patentable over the cited references at least because each of the references fails to disclose or suggest certain claim language.

As to claims 1-4, none of the cited references disclose or suggest “moving a therapeutic into the drum through a channel positioned within the drum, the channel containing a plurality of orifices” as in claim 1.” (Support for this new claim language can at least be found in Fig. 7 of the drawings and the accompanying portion of the specification.) By comparison, in Forster, there is no therapeutic being moved into the drum via a channel, let alone through a channel having multiple orifices as in the claims. The other references are even further removed.

As to claims 5-6, 14-16, and 18, none of the cited references disclose or suggest “placing a medical implant in the drum of the pan coater, the medical implant having a masking material on at least one of its surfaces,” as now recited in the claims. (Support for this language can at least be found in the specification at paragraph 34.) By comparison, nowhere in any of the references is a masking material mentioned let alone placed on a medical device prior to it being placed into the drum of the pan coater.

As to claims 7-8, none of the references at least disclose or suggest, “re-circulating the compressible fluid in the drum,” as recited therein. In fact, upcurrents or other recirculating patterns are specifically discouraged by Forster, which notes at col. 3, lns. 14-18, that “the coating zone . . . is substantially free of any upcurrent of air which might otherwise interfere with the spraying of coating . . .”

As to claims 9-11, none of the references disclose or suggest “heating the compressible fluid in the compressible fluid source prior to forcing the compressible fluid into the drum,” as recited therein. While some of the references may make general assertions regarding operating temperatures, none can be reasonably interpreted as disclosing the specific act of heating the gas or other compressible fluid at its source prior to forcing it into the drum.

As to claim 12, no reference describes the use of a vacuum or other method that would result in “drawing a compressible fluid into the drum,” as recited in the claim.

As to claim 19, none of the cited references disclose or suggest spraying a first and second therapeutic as recited in the claim.

Finally, as to claims 25-28, none of the references disclose or suggest, a rotatable drum having a compressible fluid is injected into it “sufficient to maintain [a] medical implant aloft in the drum” as recited therein.

CONCLUSION

In view of the foregoing, the Applicants respectfully request entry and consideration of these amendments.

Should the Examiner have any questions concerning this application, the Examiner is invited to contact the undersigned at the number given below.

Respectfully submitted,



Dated: November 15, 2004

Fred T. Grasso
Reg. No. 43,644

KENYON & KENYON
1500 K Street, NW
Washington, D.C. 20005
(202)-220-4311
496459v1 (FTG/bep)